

**U.S. District Court  
California Northern District (San Francisco)  
CIVIL DOCKET FOR CASE #: 3:07-cv-05278-SI**

Electronic Frontier Foundation v. Office of the Director of  
National Intelligence  
Assigned to: Hon. Susan Illston  
Cause: 05:552 Freedom of Information Act

Date Filed: 10/17/2007  
Date Terminated: 03/05/2008  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Electronic Frontier Foundation**

represented by **Marcia Clare Hofmann**  
Electronic Frontier Foundation  
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**LEAD ATTORNEY**  
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V.

**Defendant****Office of the Director of National  
Intelligence**

represented by **Andrew Irwin Warden**  
U.S. Department of Justice, Civil Division  
20 Massachusetts Ave., NW  
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Date Filed	#	Docket Text
10/17/2007	<u>1</u>	COMPLAINT (summons issued) against Office of the Director of National Intelligence (Filing fee \$ 350, receipt number 34611011567). Filed by Electronic Frontier Foundation. (slh, COURT STAFF) (Filed on 10/17/2007) Additional attachment(s) added on 11/1/2007 (ys, COURT STAFF). (Entered: 10/18/2007)
10/17/2007	<u>2</u>	Certificate of Interested Entities or Persons by Electronic Frontier Foundation. (slh, COURT STAFF) (Filed on 10/17/2007) Additional attachment(s) added on 11/1/2007 (ys, COURT STAFF). (Entered: 10/18/2007)
10/17/2007	<u>3</u>	ADR SCHEDULING ORDER: Case Management Statement due by 1/16/2008. Case Management Conference set for 1/23/2008 01:30 AM. (Attachments: # <u>1</u> EMC Standing Order; # <u>2</u> Case Management Standing Order)(slh, COURT STAFF) (Filed on 10/17/2007) (Entered: 10/18/2007)

10/17/2007		CASE DESIGNATED for Electronic Filing. (slh, COURT STAFF) (Filed on 10/17/2007) (Entered: 10/18/2007)
10/26/2007	<u>5</u>	MOTION of David Sobel for leave to appear in Pro Hac Vice (Filing fee \$ 210, receipt number 34611011876) filed by Electronic Frontier Foundation. (slh, COURT STAFF) (Filed on 10/26/2007) (Entered: 10/29/2007)
10/29/2007	<u>4</u>	CONSENT to Proceed Before a US Magistrate Judge by Electronic Frontier Foundation.. (Hofmann, Marcia) (Filed on 10/29/2007) (Entered: 10/29/2007)
10/29/2007	<u>6</u>	MOTION for Preliminary Injunction ; <i>Memorandum of Points and Authorities in Support of Motion for Preliminary Injunction</i> filed by Electronic Frontier Foundation. (Hofmann, Marcia) (Filed on 10/29/2007) (Entered: 10/29/2007)
10/29/2007	<u>7</u>	Declaration of Marcia Hofmann in Support of <u>6</u> MOTION for Preliminary Injunction ; <i>Memorandum of Points and Authorities in Support of Motion for Preliminary Injunction</i> filed by Electronic Frontier Foundation. (Attachments: # <u>1</u> Exhibit A–D# <u>2</u> Exhibit E–H# <u>3</u> Exhibit I# <u>4</u> Exhibit J–L# <u>5</u> Exhibit M–P)(Related document(s) <u>6</u> ) (Hofmann, Marcia) (Filed on 10/29/2007) (Entered: 10/29/2007)
10/29/2007	<u>8</u>	Proposed Order re <u>6</u> MOTION for Preliminary Injunction ; <i>Memorandum of Points and Authorities in Support of Motion for Preliminary Injunction</i> by Electronic Frontier Foundation. (Hofmann, Marcia) (Filed on 10/29/2007) (Entered: 10/29/2007)
10/29/2007	<u>9</u>	MOTION to Shorten Time <i>For Hearing on Plaintiffs Motion for Preliminary Injunction</i> filed by Electronic Frontier Foundation. (Hofmann, Marcia) (Filed on 10/29/2007) (Entered: 10/29/2007)
10/29/2007	<u>10</u>	MEMORANDUM in Support re <u>9</u> MOTION to Shorten Time <i>For Hearing on Plaintiffs Motion for Preliminary Injunction</i> filed by Electronic Frontier Foundation. (Related document(s) <u>9</u> ) (Hofmann, Marcia) (Filed on 10/29/2007) (Entered: 10/29/2007)
10/29/2007	<u>11</u>	Declaration of Marcia Hofmann in Support of <u>9</u> MOTION to Shorten Time <i>For Hearing on Plaintiffs Motion for Preliminary Injunction</i> filed by Electronic Frontier Foundation. (Related document(s) <u>9</u> ) (Hofmann, Marcia) (Filed on 10/29/2007) (Entered: 10/29/2007)
10/29/2007	<u>12</u>	Declaration of Marcia Hofmann in Support of <u>9</u> MOTION to Shorten Time <i>For Hearing on Plaintiffs Motion for Preliminary Injunction :Proof of Service Declaration</i> filed by Electronic Frontier Foundation. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2)(Related document(s) <u>9</u> ) (Hofmann, Marcia) (Filed on 10/29/2007) (Entered: 10/29/2007)
10/29/2007	<u>13</u>	Proposed Order re <u>9</u> MOTION to Shorten Time <i>For Hearing on Plaintiffs Motion for Preliminary Injunction</i> by Electronic Frontier Foundation. (Hofmann, Marcia) (Filed on 10/29/2007) (Entered: 10/29/2007)
10/30/2007	<u>14</u>	NOTICE of Appearance by Andrew Irwin Warden (Warden, Andrew) (Filed on 10/30/2007) (Entered: 10/30/2007)
10/30/2007	<u>15</u>	Declination to Proceed Before a U.S. Magistrate Judge by Office of the Director of National Intelligence. (Warden, Andrew) (Filed on 10/30/2007) (Entered: 10/30/2007)
10/30/2007	<u>16</u>	ORDER by Judge Edward M. Chen granting 5 Motion for Pro Hac Vice (bpf, COURT STAFF) (Filed on 10/30/2007) (Entered: 10/30/2007)
10/30/2007	<u>17</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (bpf, COURT STAFF) (Filed on 10/30/2007) (Entered: 10/30/2007)
10/31/2007	<u>18</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Susan Illston for all further proceedings. Judge Edward M. Chen no longer assigned to the case.. Signed by Executive Committee on 10/31/07. (as, COURT STAFF) (Filed on 10/31/2007) (Entered: 10/31/2007)

11/01/2007	<u>19</u>	STIPULATION re <u>9</u> MOTION to Shorten Time <i>For Hearing on Plaintiffs Motion for Preliminary Injunction</i> by Office of the Director of National Intelligence. (Attachments: # <u>1</u> Proposed Order)(Warden, Andrew) (Filed on 11/1/2007) (Entered: 11/01/2007)
11/06/2007	<u>20</u>	CLERK'S NOTICE Case Management Conference set for 1/25/2008 02:00 PM. (Attachments: # <u>1</u> ) (ts, COURT STAFF) (Filed on 11/6/2007) (Entered: 11/06/2007)
11/06/2007	<u>21</u>	ORDER by Judge Illston finding as moot <u>9</u> Motion to Shorten Time ; setting motion for prelim. injunction on 11/30/07 @ 9:00 a.m. (ts, COURT STAFF) (Filed on 11/6/2007) (Entered: 11/06/2007)
11/06/2007		Set/Reset Deadlines as to <u>6</u> MOTION for Preliminary Injunction ; <i>Memorandum of Points and Authorities in Support of Motion for Preliminary Injunction</i> . Motion Hearing set for 11/30/2007 09:00 AM. (ys, COURT STAFF) (Filed on 11/6/2007) (Entered: 11/07/2007)
11/06/2007		Set Deadlines/Hearings: Case Management Conference set for 1/25/2008 02:00 PM. (ys, COURT STAFF) (Filed on 11/6/2007) (Entered: 11/07/2007)
11/09/2007	<u>22</u>	Memorandum in Opposition re <u>6</u> MOTION for Preliminary Injunction ; <i>Memorandum of Points and Authorities in Support of Motion for Preliminary Injunction</i> filed by Office of the Director of National Intelligence. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Proposed Order)(Warden, Andrew) (Filed on 11/9/2007) (Entered: 11/09/2007)
11/16/2007	<u>23</u>	Reply Memorandum <i>in Support of 6 Motion for Preliminary Injunction</i> filed by Electronic Frontier Foundation. (Sobel, David) (Filed on 11/16/2007) Modified on 11/19/2007 (ys, COURT STAFF). (Entered: 11/16/2007)
11/16/2007	<u>24</u>	Declaration of David L. Sobel in Support of <u>23</u> Reply Memorandum <i>in Support of Motion for Preliminary Injunction</i> filed by Electronic Frontier Foundation. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B)(Related document(s) <u>23</u> ) (Sobel, David) (Filed on 11/16/2007) (Entered: 11/16/2007)
11/26/2007	<u>25</u>	ANSWER to Complaint by Office of the Director of National Intelligence. (Warden, Andrew) (Filed on 11/26/2007) (Entered: 11/26/2007)
11/27/2007	<u>26</u>	ORDER GRANTING IN PART AND DENYING IN PART <u>6</u> PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION. Signed by Judge Susan Illston. (SI, COURT STAFF) (Filed on 11/27/2007) (Entered: 11/27/2007)
01/04/2008	<u>27</u>	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options (Warden, Andrew) (Filed on 1/4/2008) (Entered: 01/04/2008)
01/04/2008	<u>28</u>	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options (Hofmann, Marcia) (Filed on 1/4/2008) (Entered: 01/04/2008)
01/04/2008	<u>29</u>	NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) (Hofmann, Marcia) (Filed on 1/4/2008) (Entered: 01/04/2008)
01/07/2008	<u>30</u>	MOTION to Appear by Telephone <i>at Case Management Conference</i> filed by Office of the Director of National Intelligence. Motion Hearing set for 1/25/2008 02:00 PM. (Attachments: # <u>1</u> Proposed Order)(Warden, Andrew) (Filed on 1/7/2008) (Entered: 01/07/2008)
01/08/2008	<u>31</u>	ORDER by Judge Illston granting <u>30</u> Motion to Appear by Telephone (ts, COURT STAFF) (Filed on 1/8/2008) (Entered: 01/08/2008)
01/16/2008	<u>32</u>	JOINT CASE MANAGEMENT STATEMENT filed by Office of the Director of National Intelligence. (Attachments: # <u>1</u> Proposed Order Establishing Summary Judgment Briefing Schedule)(Warden, Andrew) (Filed on 1/16/2008) (Entered: 01/16/2008)
01/17/2008	<u>33</u>	ADR Clerks Notice Setting ADR Phone Conference on 1/22/08 at 2:00 p.m. Please take note that plaintiff's counsel initiates the call to all parties. (tjs, COURT STAFF) (Filed on 1/17/2008) (Entered: 01/17/2008)

01/22/2008		ADR Remark: ADR Phone Conference conducted on 1/22/08 by HAH. (tjs, COURT STAFF) (Filed on 1/22/2008) (Entered: 01/22/2008)
01/29/2008	<u>34</u>	SCHEDULING ORDER. Signed by Judge Illston on 1/25/08. (ts, COURT STAFF) (Filed on 1/29/2008) (Entered: 01/29/2008)
01/29/2008	<u>35</u>	Minute Entry: Initial Case Management Conference held on 1/25/2008 before Illston (Date Filed: 1/29/2008). continued to 3/7/08 for motions () (ts, COURT STAFF) (Date Filed: 1/29/2008) (Entered: 01/29/2008)
02/05/2008	<u>36</u>	MOTION for Summary Judgment filed by Office of the Director of National Intelligence. Motion Hearing set for 3/7/2008 09:00 AM. (Attachments: # <u>1</u> Proposed Order)(Warden, Andrew) (Filed on 2/5/2008) (Entered: 02/05/2008)
02/05/2008	<u>37</u>	Memorandum of Points and Authorities in support of re <u>36</u> MOTION for Summary Judgment filed by Office of the Director of National Intelligence. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Related document(s) <u>36</u> ) (Warden, Andrew) (Filed on 2/5/2008) Modified on 2/6/2008 (ys, COURT STAFF). (Entered: 02/05/2008)
02/13/2008	<u>38</u>	STIPULATION <i>Re: Extension of Briefing Schedule For Motion For Summary Judgment and Proposed Order</i> by Electronic Frontier Foundation. (Hofmann, Marcia) (Filed on 2/13/2008) (Entered: 02/13/2008)
02/14/2008	<u>39</u>	ORDER continuing motion to 3/21/08. Signed by Judge Illston on 2/14/08. (ts, COURT STAFF) (Filed on 2/14/2008) (Entered: 02/14/2008)
02/14/2008		Set/Reset Deadlines as to <u>36</u> MOTION for Summary Judgment. Motion Hearing set for 3/21/2008 09:00 AM. (ys, COURT STAFF) (Filed on 2/14/2008) (Entered: 02/19/2008)
02/21/2008	<u>40</u>	MOTION to Relate Case 08-1023-EDL filed by Electronic Frontier Foundation. (Attachments: # <u>1</u> Declaration of Marcia Hofmann, # <u>2</u> Proposed Order)(Hofmann, Marcia) (Filed on 2/21/2008) Modified on 2/22/2008 (ys, COURT STAFF). (Entered: 02/21/2008)
02/22/2008	<u>41</u>	STIPULATION <i>Re: Motion for Summary Judgment</i> by Electronic Frontier Foundation. (Attachments: # <u>1</u> Proposed Order)(Hofmann, Marcia) (Filed on 2/22/2008) (Entered: 02/22/2008)
02/27/2008	<u>42</u>	Minute Entry: Telephone Conference (Date Filed: 2/27/2008). The Court will not sign the recently submitted stipulation re: summary judgment. Counsel will be submitting a Rule 41 dismissal.() (ts, COURT STAFF) (Date Filed: 2/27/2008) (Entered: 02/27/2008)
02/28/2008	<u>43</u>	Memorandum in Opposition re <u>40</u> MOTION to Relate Case filed by Office of the Director of National Intelligence. (Attachments: # <u>1</u> Proposed Order)(Warden, Andrew) (Filed on 2/28/2008) (Entered: 02/28/2008)
03/04/2008	<u>44</u>	STIPULATION <i>Of Dismissal</i> by Office of the Director of National Intelligence. (Warden, Andrew) (Filed on 3/4/2008) (Entered: 03/04/2008)
03/05/2008	<u>45</u>	ORDER by Judge Illston denying <u>40</u> Motion to Relate Case (ts, COURT STAFF) (Filed on 3/5/2008) (Entered: 03/05/2008)
03/05/2008	<u>46</u>	ORDER DISMISSING CASE. EFF will move for attorney's fees no later than 4/11/08. ODNI will oppose EFF's motion for attorney's fees no later than 4/25/08. EFF will reply to ODNI's opposition no later than 5/2/08. The Court will hear the motion for attorney's fees on 5/16/08. Signed by Judge Illston on 3/5/08. (ts, COURT STAFF) (Filed on 3/5/2008) (Entered: 03/05/2008)
04/01/2008	<u>47</u>	STIPULATION <i>Extending Hearing Date And Briefing Schedule For Motion For Attorney's Fees</i> by Office of the Director of National Intelligence. (Warden, Andrew) (Filed on 4/1/2008) (Entered: 04/01/2008)
04/11/2008	<u>48</u>	MOTION for Attorney Fees and Costs; <i>Memorandum of Points and Authorities in Support of Motion for an Award of Attorney's Fees and Costs</i> filed by Electronic Frontier Foundation. Motion Hearing set for 5/16/2008 09:00 AM in Courtroom 10, 19th Floor, San Francisco. (Hofmann, Marcia) (Filed on 4/11/2008) (Entered: 04/11/2008)



		04/11/2008)
04/11/2008	<u>49</u>	Declaration of Marcia Hofmann in Support of <u>48</u> MOTION for Attorney Fees <i>and Costs; Memorandum of Points and Authorities in Support of Motion for an Award of Attorney's Fees and Costs</i> filed by Electronic Frontier Foundation. (Attachments: # <u>1</u> Exhibit A–F)(Related document(s) <u>48</u> ) (Hofmann, Marcia) (Filed on 4/11/2008) (Entered: 04/11/2008)
04/11/2008	<u>50</u>	Declaration of David L. Sobel in Support of <u>48</u> MOTION for Attorney Fees <i>and Costs; Memorandum of Points and Authorities in Support of Motion for an Award of Attorney's Fees and Costs</i> filed by Electronic Frontier Foundation. (Related document(s) <u>48</u> ) (Hofmann, Marcia) (Filed on 4/11/2008) (Entered: 04/11/2008)
04/11/2008	<u>51</u>	Declaration of Kurt Opsahl in Support of <u>48</u> MOTION for Attorney Fees <i>and Costs; Memorandum of Points and Authorities in Support of Motion for an Award of Attorney's Fees and Costs</i> filed by Electronic Frontier Foundation. (Related document(s) <u>48</u> ) (Hofmann, Marcia) (Filed on 4/11/2008) (Entered: 04/11/2008)
04/11/2008	<u>52</u>	Declaration of Jennifer Stisa Granick in Support of <u>48</u> MOTION for Attorney Fees <i>and Costs; Memorandum of Points and Authorities in Support of Motion for an Award of Attorney's Fees and Costs</i> filed by Electronic Frontier Foundation. (Related document(s) <u>48</u> ) (Hofmann, Marcia) (Filed on 4/11/2008) (Entered: 04/11/2008)
04/11/2008	<u>53</u>	Proposed Order re <u>48</u> MOTION for Attorney Fees <i>and Costs; Memorandum of Points and Authorities in Support of Motion for an Award of Attorney's Fees and Costs</i> by Electronic Frontier Foundation. (Hofmann, Marcia) (Filed on 4/11/2008) (Entered: 04/11/2008)
04/15/2008	<u>54</u>	CLERK'S NOTICE Continuing Motion Hearing Motion Hearing set for 5/23/2008 09:00 AM. (ts, COURT STAFF) (Filed on 4/15/2008) (Entered: 04/15/2008)
04/15/2008	<u>55</u>	***ERRONEOUS ATTACHMENT***CLERK'S NOTICE Continuing Motion Hearing Motion Hearing set for 5/30/2008 09:00 AM. (ts, COURT STAFF) (Filed on 4/15/2008) Modified on 4/16/2008 (ys, COURT STAFF). (Entered: 04/15/2008)
04/15/2008		Set/Reset Deadlines as to <u>48</u> MOTION for Attorney Fees <i>and Costs; Memorandum of Points and Authorities in Support of Motion for an Award of Attorney's Fees and Costs</i> . Motion Hearing set for 5/23/2008 09:00 AM. (ys, COURT STAFF) (Filed on 4/15/2008) (Entered: 04/16/2008)
05/02/2008	<u>56</u>	Memorandum in Opposition re <u>48</u> MOTION for Attorney Fees <i>and Costs; Memorandum of Points and Authorities in Support of Motion for an Award of Attorney's Fees and Costs</i> filed by Office of the Director of National Intelligence. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Proposed Order)(Warden, Andrew) (Filed on 5/2/2008) (Entered: 05/02/2008)
05/09/2008	<u>57</u>	RESPONSE in Support re <u>48</u> MOTION for Attorney Fees <i>and Costs; Memorandum of Points and Authorities in Support of Motion for an Award of Attorney's Fees and Costs</i> filed by Electronic Frontier Foundation. (Hofmann, Marcia) (Filed on 5/9/2008) (Entered: 05/09/2008)
05/09/2008	<u>58</u>	Declaration of David L. Sobel in Support of <u>57</u> Response in Support, <i>Motion for Attorney Fees and Costs; Memorandum of Points and Authorities in Support of Motion for an Award of Attorney's Fees and Costs</i> filed by Electronic Frontier Foundation. (Related document(s) <u>57</u> ) (Hofmann, Marcia) (Filed on 5/9/2008) (Entered: 05/09/2008)
05/09/2008	<u>59</u>	Declaration of Marcia Hofmann in Support of <u>57</u> Response in Support, <i>Motion for Attorney Fees and Costs; Memorandum of Points and Authorities in Support of Motion for an Award of Attorney's Fees and Costs</i> filed by Electronic Frontier Foundation. (Attachments: # <u>1</u> Exhibit A–B)(Related document(s) <u>57</u> ) (Hofmann, Marcia) (Filed on 5/9/2008) (Entered: 05/09/2008)
05/09/2008	<u>60</u>	Declaration of Kurt Opsahl in Support of <u>57</u> Response in Support, <i>Motion for Attorney Fees and Costs; Memorandum of Points and Authorities in Support of Motion for an Award of Attorney's Fees and Costs</i> filed by Electronic Frontier

		Foundation. (Related document(s) <u>57</u> ) (Hofmann, Marcia) (Filed on 5/9/2008) (Entered: 05/09/2008)
05/09/2008	<u>61</u>	Declaration of Thomas H. Steele in Support of <u>57</u> Response in Support, <i>Motion for Attorney Fees and Costs; Memorandum of Points and Authorities in Support of Motion for an Award of Attorney's Fees and Costs</i> filed by Electronic Frontier Foundation. (Related document(s) <u>57</u> ) (Hofmann, Marcia) (Filed on 5/9/2008) (Entered: 05/09/2008)
05/09/2008	<u>62</u>	Proposed Order re <u>57</u> Response in Support, <i>Motion for Attorney Fees and Costs; Memorandum of Points and Authorities in Support of Motion for an Award of Attorney's Fees and Costs</i> by Electronic Frontier Foundation. (Hofmann, Marcia) (Filed on 5/9/2008) (Entered: 05/09/2008)
05/22/2008	<u>63</u>	ORDER VACATING ORAL ARGUMENT re <u>48</u> plaintiff's motion for attorney's fees and costs. Signed by Judge Susan Illston. (SI, COURT STAFF) (Filed on 5/22/2008) (Entered: 05/22/2008)
06/04/2008	<u>64</u>	ORDER GRANTING IN PART PLAINTIFF'S MOTION FOR ATTORNEY'S FEES AND COSTS re <u>48</u> . Signed by Judge Susan Illston. (SI, COURT STAFF) (Filed on 6/4/2008) (Entered: 06/04/2008)